

Court of Appeals, State of Michigan

ORDER

JESSE RUFFIN V AUTO CLUB INSURANCE COMPANY

Docket No. 292687

LC No. 07-701216-NF

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The motion to add appellant/cross-appellee, Dr. Patrick Wiater is GRANTED.

Fort Hood, J. dissents and states: The motion to add appellant/cross-appellee Dr. Patrick Wiater, an intervening plaintiff in the lower court, contains no citation to authority or any orders filed in the lower court. However, review of the order appealed from reveals that the individual is not the real party in interest. Rather, the order appealed from indicates that the corporate entity was held accountable for attorney fees. Therefore, the addition of the individual to this appeal is of no consequence where the appeal would not be prosecuted by the aggrieved party. MCR 7.203(A); *In re Freeman Estate*, 218 Mich App 151, 155-157; 553 NW2d 664 (1996). Moreover, with regard to William Beaumont Hospital, the lower court register of actions does not provide that it was an intervening party, but rather identifies Beverly Hills Orthopedic as an intervening party. Therefore, I would deny the motion, but allow the corporate entity to file an application for leave to appeal and move to consolidate with this appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 16 2009

Date

Sandra Schultz Mengel
Chief Clerk